

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MVP LANES, LLC

Plaintiff

v.

RI HISPANIC BANCGROUP, LLC

Defendant

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Case #: 1:11-cv-02402 RDB

**DEFENDANT’S OPPOSITION TO MOTION FOR DISBURSEMENT OF FUNDS
FROM COURT REGISTRY**

Comes now, RI Hispanic BancGroup, LLC (“RI Hispanic”) and files this Opposition to Motion for Disbursement of Funds From Court Registry and states the following in support thereof:

1. RI Hispanic asserts as it has throughout this matter that it has complied with its obligations under the agreement between the parties. Specifically, RI Hispanic provided the Swift IVA (see exhibit H-36 of Docket Number 3) required by the Irrevocable Trust Agreement and Instructions (“Agreement”) and delivered the letter of credit from Scotiabank to MVP as required in the SBLC Agreement (“SBLC.” See Exhibit B of Docket Number 3).

2. Additionally, §2-B of the SBLC specifically states that Plaintiff is only entitled to a refund of \$65,000 once RI Hispanic’s total fee has been paid. To date, MPV has not paid the fee of \$9,500,000.00 in this matter despite RI Hispanic’s performance.

3. Finally, Plaintiff’s claim for damages from RI Hispanic is contractually barred. In §12.4 of the SBLC Plaintiff, identified as “Customer”, agreed to “indemnify, release, acquit, hold harmless, and forever discharge Service Provider [RI Hispanic]”...from any and all claims,

demands, damages, actions, causes of action or suits of any kind or nature whatsoever, both known and unknown...specifically including but not limited to this agreement or...failure of the Depositors to provide said services” (see pgs. 5-6 of See Exhibit B of Docket Number 3). This release expressly prohibits Defendant from pursuing any claim of damages against Defendant.

WHEREFORE, Defendant requests that the \$90,000 deposited into the Court’s Registry remain in the Registry until the final resolution of this matter.

Respectfully Submitted,

/ss/

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CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that December 23, 2011 the foregoing Entry of Appearance was electronically filed in accordance with the Electronic Filing Requirements and Procedures as established by the U.S. District Court for the District of Maryland.

/ss/

Anthony Butler, Esquire #27318